## REMARKS

Claims 38-70, 111, 113-124, 126-137, 139-150, 152-163, 165-177, 179-191, 193-205, and 207-218 are pending in the application.

Claims 112, 125, 138, 151, 164, 178, 192, and 206 are cancel herein, without prejudice.

Claims 38-70 and 111-218 stand rejected.

Claims 38, 51, 57, 111, 124, 137, 150, 163, 177, 191, and 205 have been amended.

### *Claim Objections*

The Examiner has objected to claims 51 and 57 because of informalities. Amended dependent claims 51 and 57 generally recite a networking protocol comprising command specific data that comprises of the following:

> at least a quality of service 3 capacity field[; and
> a quality of service n capacity field].

In the Office Action, the Examiner states that a quality of service "n" is not clearly defined. Although Applicants believe that those of ordinary skill in the art and viewing these claims will understand the presence of "n" in the context of claims 51 and 57 to represent a variable (i.e., an undetermined integer value), Applicants have amended claims 51 and 57 to remove the "n" variable and to set out that the quality of service 3 capacity field is only part of the command specific data of the claims. Thus, Applicants respectfully urge the Examiner to withdraw the objections to dependent claims 51 and 57.

### *Rejection of Claims under 35 U.S.C. § 112*

Claims 111, 124, 137, and 150 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Apparently, dependent claims

112-123, 125-136, 138-149, and 151-162 stand rejected for the same reasons because they depend from independent claims 111, 124, 137, and 150. Applicants' have argued the rejections as understood, but if Applicants' understanding is not accurate, Applicants respectfully request the Examiner to clarify the intended rejection.

As generally recited in claims 124, 137, and 150, amended claim 111 recites the following:

> A method of processing a get link state advertisement
>     packet comprising:
> receiving said get link state advertisement packet at a
>     downstream node, wherein
> said get link state advertisement packet is sent by a sending
>     node,
> said get link state advertisement packet comprises at least
>     one node identifier,
> said at least one node identifier identifies a node in a
>     network for which said sending node seeks a link
>     state advertisement, and
> said downstream node and said sending node are nodes in
>     said network; [and]
> sending at least one link state advertisement to said node in
>     the network; and
> sending an acknowledgement to said downstream node.

In the Office Action, the Examiner states that "it is not clearly stated what is meant by 'sending at least one link state advertisement to said node'" ( see July 14, 2005 Office Action, page 2). Applicants have amended the claims to clarify that "said node" is the node "in the network" and have not altered the scope of the claims.

Therefore, Applicants urge the Examiner to withdraw the 35 U.S.C. § 112, second paragraph, rejection of claims 111, 124, 137, and 150 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. For similar reasons, Applicants further request the Examiner to withdraw the 35 U.S.C. § 112, second paragraph, rejection of dependent claims 112-123, 125-136, 138-149, and 151-162 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention if such rejection was so intended.

<u>Rejection of Claims under 35 U.S.C. § 102</u>

Claim 38 stands rejected under 35 U.S.C. § 102(e) as being anticipated by Tsukakoshi et al., U.S. Patent No. 6,496,510 ("Tsukakoshi"). Applicants respectfully submit the following amended claim 38.

> A networking protocol for a network comprising:
> a protocol packet, wherein
> said protocol packet is sent from an origin node to a target
> node,
> wherein said protocol packet is sent to neighbors of said
> origin node to find the target node,
> said protocol packet is configured to record a protocol
> packet path from the origin node to the target node,
> and
> said protocol packet path information comprises
> information regarding a topology of at least a
> portion of said network.

In the Office Action, Tsukakoshi, col. 5, lines 35-45 is cited in an attempt to demonstrate the disclosure of the topology information set out in Applicants' amended claim 38. However, as demonstrated by the cited portion of Tsukakoshi, Applicants' amended independent claim 38 is not disclosed therein.

> In FIG. 2, the packet sender/receiver 17 of the router node 12 sends and receives *routing protocol packets, containing network connection information*, to or from the routers 25, connected not via any of other router nodes 12, in order to get connection information on the routers 25. Then, it stores the obtained network connection information into the link state database 21 in the path calculation unit 14. The network connection information on each router at least contains information equivalent to the information on the router stored in the link state database 21 shown in FIG. 4.
>
> (Tsukakoshi, col. 5, lines 35-45, emphasis added)

The protocol packet of claim 38 records the protocol packet path as the protocol packet forms a path across the network. Unlike Applicants' amended claim 38, the

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routing protocol packets of Tsukakoshi contain "network connection information" not the path taken by a protocol packet as claimed by Applicants. Specifically, the cited portion of Tsukakoshi states that network connection information is information to be stored into the link state database 21. The link state database 21 is shown in FIG. 4 of Tsukakoshi and the information to be stored in the link state database 21 is described at col. 4, lines 30-41 of Tsukakoshi where it is supported that the network connection information is not part of a protocol packet path that records its path as it travels across a network.

> As shown in the figure, the database contains, for the cluster-type router 11 and each router 25 connected to the cluster-type router 11, information on *the router ID, the networks to which the router indicated by the ID is connected, the addresses of the interfaces with the networks, and the cost of each interface.* The cost, which is specified, for example, by the configuration definition of each interface of each router, is determined considering the bandwidth of the network and the user policy. As will be described later, the contents of the link state database 21 contained in all router nodes 12 are identical.

(Tsukakoshi, col. 4, lines 29-40, emphasis added)

For at least the above reasons, Applicants urge the Examiner to withdraw the 35 U.S.C. § 102(e) rejection of independent claim 38.

Claims 111, 150, 163, and 205 appear to stand rejected under 35 U.S.C. § 102(e) as being anticipated by Fukushima et al., U.S. Patent No. 6,490,246, ("Fukushima") and Applicants have responded accordingly. If this is not the rejection that was intended to be made by the Examiner, Applicants respectfully request the Examiner to correct the rejection through issuance of a new Office Action.

As recited generally in amended independent claims 150, 163, and 205, independent claim 111 reads as follows:

> A method of processing a get link state advertisement
> packet comprising:
> receiving said get link state advertisement packet at a
> downstream node, wherein
> said get link state advertisement packet is sent by a sending
> node,

said get link state advertisement packet comprises at least
one node identifier,

said at least one node identifier identifies a node in a
network for which said sending node seeks a link
state advertisement, and

said downstream node and said sending node are nodes in
said network; [and]

sending at least one link state advertisement to said node in
the network; and

sending an acknowledgement to said downstream node.

In the Office Action, Fukushima, col. 1, lines 45-65 is cited in an attempt to
demonstrate the disclosure of Applicants' independent claims 111, 150, 163, and 205.

More specifically, in OSPF, each router exchanges
information with all other routers by using packets called
routing protocol packets. Each router periodically transmits
packets called Hello packets, a kind of routing protocol
packet, to the network. A Hello packet includes the router's
own ID, and the identity of the network to which the router
is connected, and a list of other routers' ID's connected to
the same network to which the router is connected. The
other routers' ID's placed in the above list include the other
routers' ID's of which the router was made aware by Hello
packets received from other routers.

If a router receives a Hello packet, which includes
its own ID, from another router that the router has been
aware of, on the understanding that the two routers have
become aware of each other, the two routers exchange
network link-state information by sending routing protocol
packets.

Network link-state information includes the ID of
the advertising router, the identity of the network to which
the advertising router is connected, the addresses of the
interfaces through which the advertising router is connected
to the networks, and the costs of the interfaces. The cost of
an interface means the cost which is incurred when the
interface is used to forward packets and which is set by the
network administrator.

(Fukushima, col. 1, lines 45-65)

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Applicants respectfully submit that the cited portions of Fukushima fail to teach or disclose "sending an acknowledgement to said downstream node" as recited in amended independent claim 111 and generally in amended independent claims 150, 163, and 205. Thus, Applicants respectfully urge the Examiner to withdraw the 35 U.S.C. § 102(e) rejection of amended independent claims 111, 150, 163, and 205 as being anticipated by Fukushima if this rejection was so intended.

## *Rejection of Claims under 35 U.S.C. § 103*

Claims 39-70 appear to stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsukakoshi in view of Luciani, U.S. Patent No. 6,418,476 ("Luciani") and Applicants have responded accordingly. If this is not the rejection that was intended to be made by the Examiner, Applicants respectfully request the Examiner to correct the rejection through issuance of a new Office Action.

As described in relation to the above 102 rejections, Applicants have amended claim 38 to contain limitations that are not found in the cited portions of Tsukakoshi and Applicants respectfully submit that dependent claims 39-70 add limitations to the amended independent claim.

Therefore, Applicants urge the Examiner to withdraw the 35 U.S.C. § 103(a) rejection of claims 39-70 as being unpatentable over Tsukakoshi in view of Luciani if that rejection was so intended.

Claims 124, 137, 177, and 191 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fukushima in view of Luciani.

Applicants have amended these claims to include sending an acknowledgement to said downstream node and respectfully request the Examiner to withdraw the 35 U.S.C. § 103(a) of claims 124, 137, 177, and 191 as being unpatentable over Fukushima in view of Luciani.

Claims 112-123, 125-136, 138-149, 151-162, 164-176, 178-190, 192-204, and 206-218 also appear to stand rejected under 35 U.S.C. § 103(a) as being unpatentable over either Fukushima or Tsukakoshi in view of Luciani (the "cited references") and

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Applicants have responded accordingly. If this is not the rejection that was intended to be made by the Examiner, Applicants respectfully request the Examiner to correct the rejection through issuance of a new Office Action.

As Applicants have amended the respective independent base claims of these dependent claims to overcome the rejections of these claims, Applicants respectfully request the Examiner to withdraw the 35 U.S.C. § 103(a) rejections to claims 112-123, 125-136, 138-149, 151-162, 164-176, 178-190, 192-204, and 206-218 for the above reason and for the reasons given with respect to the independent base claims.

## CONCLUSION

In view of the amendments and remarks set forth herein, the application is

believed to be in condition for allowance and a notice to that effect is solicited.

Nonetheless, should any issues remain that might be subject to resolution through a

telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-

5089.

Respectfully submitted,

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